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J1025 U.S. PTO  
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December 10, 2001

**ATTORNEY DOCKET No.: CIT1530-1**

**ATTN: BOX PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the new provisional-to-utility patent application of:

**APPLICANT: DAVID A. TIRRELL**

**FOR: FUSION PROTEIN MICROARRAYS AND METHODS OF USE**

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

Number of Pages

Specification	30
Claims	5
Abstract	1
Declaration – unsigned	3
Drawings – informal	2

EXPRESS MAIL Number: EV 016236168 US  
Date of Deposit: December 10, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:  
**ATTN: BOX PATENT APPLICATION, Commissioner for Patents,**  
Washington, D.C. 20231

**JASON BERRY**  
(Name of Individual Depositing with P.O.)

*Jason Berry*  
(Signature of Individual Depositing with P.O.)

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**GRAY CARY WARE & FREIDENRICH LLP**

**ATTORNEY DOCKET No.: CIT1530-1**

ATTN: BOX PATENT APPLICATION  
December 10, 2001  
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Enclosures:

- Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i); and
- Return Receipt Postcard

This application claims priority under 35 U.S.C. § 119(e)(1) to U.S. Provisional Application Serial No. 60/254,516, filed December 8, 2000, the contents of which is incorporated by reference in its entirety herein.

The filing fee is calculated as follows:

Applicants claim **SMALL entity status** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

	Number Filed		Number Extra		Rate			Fee	
					Large Entity	Small Entity		Large Entity	SMALL Entity
Total Claims	56 -20	=	36	X	\$18	\$09	=	\$00	\$00
Independent Claims	4 -3	=	1	X	\$84	\$42	=	\$00	\$00
Multiple Dependent Claims Presented:	<u>Yes</u> <u>X</u> <u>No</u>				\$280	\$140		\$00	\$00
	BASIC FEE							\$740.00	\$370.00
	TOTAL FEE							\$00	\$00

Please **DEFER** the payment of the **FILING FEE** until the executed Declaration is filed.

The Commissioner is hereby authorized to apply any other required fees or any credits to Deposit Account No. 50-1355, referencing the attorney docket number shown above.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

**GRAY CARY WARE & FREIDENRICH LLP**

**ATTORNEY DOCKET No.: CIT1530-1**

ATTN: BOX PATENT APPLICATION

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All future correspondence should be addressed to:

**Lisa A. Haile, J.D., Ph.D.**

**GRAY CARY WARE & FREIDENRICH LLP**

4365 Executive Drive, Suite 1100

San Diego, CA 92121-2133

Telephone: (858) 677-1456

Faxsimile: (858) 677-1465

A copy of this letter is enclosed. Kindly acknowledge receipt of this application by returning the enclosed postcard.

Respectfully submitted,

**GRAY CARY WARE & FREIDENRICH LLP**

*Sheila R. Kirschenbaum*

Sheila R. Kirschenbaum, J.D., Ph.D.

Registration No.: 44,835

December 10, 2001

Date

LAH/SRK:ct

Enclosures

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. § 122(b)(2)(B)(i)</b>		First Named Inventor: <b>David A. Tirrell</b>
Title:	<b>FUSION PROTEIN MICROARRAYS AND METHODS OF USE</b>	
Atty Docket Number: <b>CIT1530-1</b>		

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

December 10, 2001

Date

Sheila R Kirschenbaum

Signature

Sheila R. Kirschenbaum, J.D., Ph.D.

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. § 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. § 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.